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Before the  
Federal Communications Commission  
Washington, D.C. 20554

FCC 04M-24  
03612

In The Matter of	)	MB Docket No. 04-191
	)	
San Francisco Unified School District	)	
	)	
For Renewal of License for Station KALW(FM),	)	Facility ID No. 58830
San Francisco, California	)	File No. BRED-19970801YA
	)	

### ORDER

Issued: September 8, 2004

Released: September 10, 2004

A Prehearing Conference was held on September 8, 2004, as scheduled. *See Order* FCC 04M-22, released July 23, 2004. Counsel appeared for the renewal applicant San Francisco Unified School District ("SFUSD"), and counsel appeared for the Enforcement Bureau ("Bureau").

### Dates Established

Due to the scope of outstanding and future discovery, and a recent request for an added issue,<sup>1</sup> the Presiding Judge concluded that it was premature to set hearing and procedural dates.

The following pleading dates were established:

**September 21, 2004** - Opposition to Motion to Enlarge Issues.

**October 4, 2004** - Reply to Opposition.

**October 7, 2004** - One or both parties are to file Motion to Dismiss Golden Gate Public Radio (GGPR) which has not entered an appearance within the prescribed time. 47 C.F.R. § 1.221.<sup>2</sup>

<sup>1</sup> See Motion to Enlarge the Issues filed by SFUSD on September 7, 2004 (to determine whether station KALW(FM) has provided meritorious service during the license period).

<sup>2</sup> In 1997, GGPR filed a petition to deny renewal application of SFUSD, and was made a party to this proceeding under *Hearing Designation Order and Notice of Apparent Liability for Forfeiture* (FCC 04-114) released July 16, 2004, Para. 27.

**October 15, 2004** - Status Report to include status of discovery, proposed hearing and procedural dates,<sup>3</sup> stipulation on relevant time period, and proposed date(s) for publishing local notice of hearing date pursuant to 47 U.S.C. 3311(a)(2), 47 C.F.R. § 73.3594.

### **Miscellaneous**

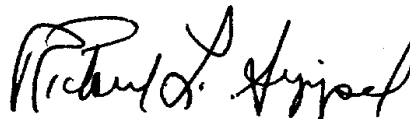
Counsel advised that there is a possibility that the parties will seek to file cross motions for summary decision. Before filing such motions, counsel were instructed to file a Notice of Intent to Proceed by Summary Decision for consideration and ruling by the Presiding Judge.

Counsel for the SFUSD is ordered to fax courtesy copies of pleadings and documents that do not exceed 25 pages, in addition to hand delivery which are usually delayed in processing. However, due to proximity, Bureau counsel may continue to deliver courtesy copies only by hand and, without faxing.

Counsel should ensure that the Legal Technician receives all e-mails that are directed to the Presiding Judge.

**SO ORDERED.**

**FEDERAL COMMUNICATIONS COMMISSION<sup>4</sup>**



**Richard L. Sippel**  
Chief Administrative Law Judge

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<sup>3</sup> Dates to include: (1) conclude discovery; (2) exchange cases (document exhibits and frozen direct testimony); (3) subpoenas and witness notifications; (4) opposition to subpoenas/notices; (5) trial briefs, admission session; and (6) hearing. Trial briefs are to include: (1) proffer of case; (2) summary of each witness and statement of relevance; (3) description of each document and statement of relevance; and (4) points and authorities on anticipated evidentiary and procedural matters.

<sup>4</sup> Courtesy copies of this *Order* were transmitted to counsel for each of the parties by e-mail on the date of issuance.